

justice to the merits of the speaker, and, at the same time, to have a due regard to the value of space.

the old bear, evidently not liking the whiff he obtained of my tobacco, gallop once up and down the line of beaters; but, headed back at each point, finding that he had nothing left for it, he charged at me. "Ruhig, ruhig!" says Heinrich, "Halt!" says I; and the bear, who had been the last of his kind, and tall enough for the padding of the pack, my ball took effect in the spine, about the loins. He brought him upon his haunches, and there he kept the centre of a green ride, very much in the same way as a bronze representative in the Mercat of Florence. With a single bound he sprang at his head, but, to my astonishment, without effect. I therefore put an end to him with a "couteau chasse" and, upon searching for the second wound, that it had broken one of his tusks short, while the other, being broken in the middle, wounded him in any other part than the loins, a second shot would not have protected me from attack. The prince, who, owing to his great weakness, always drove a dronkey, came galloping up. "Viel plaisir, monsieur," said he, "to have been able to kill an *Alas*, yes," said I, assuming a contrite face in order to conceal my exultation; and I am afraid that feeling of congratulation, expressed as usual on occasion by the other sportsmen, was but skin of the lion. The prince, who was a member of the company, but fate reserved a brilliant "finale" for me. In the last beat a sow, followed by a boar, trotting past me. Bang, bang: goes my double bar, and, within a distance of two hundred yards, the boar is shot dead, and the sow is left with her two and both shot through the shoulder. We returned to dine together at Munich; and when we were at table, all rivalry gave way to fellowship; and, warmed up by copious draughts of beer, both hunters, and a few of the company related some stunning exploits in the forest. One of the party informed me he was conversant with English literature, and, wishing to show me that he had met with my misquoted two lines in the following absurd way, he read the following:

The flow of rain, and the feast of souls.

As is generally the case, the longer we remain at table, the more incredible were the stories. P. G. wound up the evening with one which he related in a very entertaining manner. He was a chaser; nevertheless, I will repeat what I now remember of it:— "A new-married couple in Rügening home in a sledge after their marriage, and, entering a wood, heard a noise which sounded like a pack of wild dogs. They were alarmed, and, without hesitating the word to see the fun; when, to their surprise, he beheld a bear hotly pursued by a pack of wolves. He appeared to be dead beat, but struggled

sledge waiting for her husband. The bear, happy to cross the road at the very spot, attempted to the sledge, but failed from utter exhaustion, and so frightened the horse, that it leaped into the bottom of the carriage, and so frightened the horse, that it leaped into the bottom of the carriage. On their arrival at the village the bride was discovered in a swoon, with the bear still in the sledge, but it helpless a state in which he was easily killed by neighbours. To my sporting readers believe it or not, I think it is a thing that has never been attempted to put the same question to me, I must that I don't know exactly what to say about it; although the Prince swore to the truth of his statement, he was nearly black in the face, I could not but be surprised to find that the Prince had a lover who had discovered, when too late, that a charmer had proved, after marriage, to be little better

BYROND TAYLOR.—We have from time to time produced from American sources the interesting life of Bayard Taylor, whose descriptions of the many countries he has visited will, when collected, form an instructive and valuable book. His latest communication to the United States expresses a desire to visit Japan, which he accompanied by a mate on board one of the war steamers. We learn that Mr. Taylor had taken passage directly for Japan on the steamer *Serpent*, which was to sail on the 9th of September. He was, however, expected at New York about Christmas. When we heard that Mr. Taylor was about to leave to accept a deputation to the captain, asking permission to visit Japan, we were disappointed. But this is a compliment granted only to a captain, and to be refused; but the desire of the crew was plentifully indulged in the manner in which, during a long voyage, they were enabled to witness the attachment of persons of all classes among whom he has been thrown. These letters will of course be collected and arranged in a more permanent form than his diary.

STRENGTH IN THE DEAR OF AN ALBATROSS.

chance happened when contending with a wounded, to try in the hurry of the moment, to pick to the earth with my gun, when the bird's muzzle in his beak, and left a lasting mark of battle. On merrily, I saw two days since, a friend of mine in the navy, he assured me that, on board a man-of-war, in the latitude of the Cape Good Hope, he had winged an albatross; and as the bird was so tame, the captain allowed him to take the crew in the ship. I was very much grieved. The bird, however, made so much swimming, that it was only with the greatest exertion that I could get it to land. I was then told that there were many albatrosses in the bay, and made a dash at its neck, but the albatross seizing the beak three of his fingers, instantly squashed it into a jelly.—*The Hon. F. St. John's Rambles in France, France, &c.*

[illegible][illegible]

JERRY'S PLAINS.—March 23. From Doyle's Creek, by J. D. Ray horse, set on the forehead, two hind feet white, long branded on near side neck x, and near shoulder m. If not mated they will be sold on the 21st April. M. Hornum, 9s.

WAGGAMORE.—April 1. From Wagon, set on the forehead, driving side of jaw, star in forehead, like Jerry's. If not mated before N.M. of shoulder, 10s. Ray horse, set on the hind band white, off hind foot white, K over MD. If not released will be sold on the 4th May. J. Ross, 10s.

PROSPECT.—April 6. From Wm. Lawson's, damages 2x, going, aged, fourteen bands high, like X or K on off shoulder, branded on near shoulder, not legible. If not released twenty-one days from 11th April they will be sold to defray

NORTH RICHMOND—April 2. Red cow, small horns, brand on
over JH off rump, red and white mark at foot, udder
If not released before first May, they will be sold. T. WILLIAMS
If not released before first May, they will be sold. T. WILLIAMS
off shoulder EK over S, state of horse, branded RH near shoulder
three white test, silver mane and tail, about 15 hands
If not released he will be sold. J. SHAW. 9a, 3d.

MUNGER—March 29. From the estate of H. C. COX, E. C.
Harradulla: red sided bullock, near ear marked, branded
with WT under off hip and thigh, aged. White and red
bullock, illegible brand in circle off hip, 3 off ribs. White
both ears marked, branded TM near hip,
damages 6d. In the land of N. F. HAY, Esq., of
SON'S, Crook. In the land of N. F. HAY, Esq., of

with large, rounded apparently a heart near shoulder, 5
old, 12 hams high; damages fd. Also from the land of F
Eq. of Manah Flat: White small horned bullock, near
marked, branded X near hip, JB with M over off hip. Blue
poiry heifer, branded apparently EO off hip, 5 off ribs, 2
old. Red and white spotted small horned steer, branded JC
8 under off hip and thigh, 5 off ribs, 2 years old; damage
each. If not released, they will be sold on the 25th April

THE LATE SEARCH FOR LEICHHARDT.

I HAVE read with attention Mr. Hovenden Hely's letter, published in the *Sydney Morning Herald* of the 27th ultimo, together with the extract from the *Athenaeum*, in that article referred to. I am for one well disposed to receive in a liberal spirit the reasons proffered by Mr. Hely why his expedition was not so successful as he could have wished it to have been, and can readily appreciate the hardship of his situation when discovering that he had been "completely misled by the blacks." He also found at the same time that the state of his commissariat compelled him to retrace his steps. From the brief history of his expedition several important lessons may be drawn, which in reference to any further search for Leichhardt, or with a view to exploring expeditions in the interior, it is very desirable should not be lost sight of, and I have no doubt that nobody would be more ready to profit by the experience which he gained during his last journey than Mr. Hely himself should his duty again send him forth into the wilderness.

From the publications referred to, and also from Mr. Hely's report to the Government, we see the inability to use no stronger term, of implicitly trusting to information derived from the aborigines, when it either is, or they fancy it is, their interest to deceive. To investigate the truth of their varying reports as to the place of the supposed massacre of Leichhardt and his party, much valuable time was wasted, and what was no less important, much provision was expended, for in his letter to Sir T. L. Mitchell, Mr. Hely says that on more than one occasion he had upwards of ten aborigines living on his stores. It is strange that after the blacks had repeatedly failed to substantiate their statements as to the alleged murder, that they should not have been treated in the same way as a white man when his want of veracity has been proved, namely, to be no farther believed. I think it is to be regretted that after the first deception practised by the blacks was proved, all further reliance on their assistance was not at once renounced, and that the members of the expedition had not from that moment trusted to their own independent exertions in the search. Mr. Hely says that without their co-operation all prospect of success was hopeless; but why, does not very clearly appear. It is very clear that for some reason or other their object was to mystify and lead him astray, and the natural result of his experience of them as guides would be to make any person going on a similar errand elsewhere their services in that capacity; or rather perhaps the worse course would be to make any information derived from the blacks subservient to a plan of operations previously arranged, but unless upon the very strongest grounds to be led by them to deviate from a well considered course of action. Mr. Hely was on Leichhardt's track—on the very spot where he had encamped—and he might have availed himself of the services of the blacks in finding the next encampment, and so onwards to others, until he had tracked the missing travellers to the locality of the reported murder—indubitable proofs of which had, it occurred, must have been discernible on the spot—or until he had traced them far beyond the reported scene of their mishap, and thus have established the strongest presumption of the falsehood of the aboriginal report. This, I conceive, would have been the proper way of employing the aborigines, in the service of the expedition, and it might have been as well, in order to keep down the native mind, to have dropped no hint whatever of a murder, but simply to have stated that the party was out on the track of white men. If it had been found impossible to have engaged the services of the aborigines as guides in the way I have mentioned, a vigorous effort should have been made to get on without them. Nor, with all deference, would this appear to have been so very difficult. With an accurate point to start from, and the further aids furnished by the facts that the general direction of Leichhardt's journey was known, or could be surmised, from the character of the country; that his halts must have been made on creeks or where there was water, and that his daily journeys must necessarily have been short, it does not seem that a numerous and intelligent party, had they persevered, must have either traced him so far beyond the spot where he is reported to have been murdered, as to have effectually disproved the rumour, or recovered the remains of himself and his companions.

Again, Mr. Hely's experience shows that, in purchasing animals for the service of these expeditions, the utmost care should be taken to ascertain that they are fitted for the purpose for which they are intended, in order that the party may not be delayed, and their zeal cooled by obstacles thrown in the way of their starting. The delay of the expedition on Darling Downs is attributed in part to the discovery, not made till then, that at least one-half of the mules were unbroken. This, I think, is a very important lesson to be received. I suppose, as satisfactory reasons for the delay on the Downs; yet, nevertheless, the time spent in the actual search for Leichhardt, compared to the period during which the expedition was organized and the quantity of supplies it carried, calculated at nine months' consumption, was exceedingly short.

Notwithstanding Mr. Hely's expression of his confident belief in the destruction of the travellers, their fate is shrouded in as much mystery as ever. The agreement in the accounts of so many different natives of the manner in which the murder was committed, and, above all, the accurate description which they gave of the number forming Leichhardt's party, evidently made a deep impression on the mind of Mr. Hely; as, indeed, it is well calculated to do on the mind of every person who directs his attention to this melancholy subject, for the circumstance is in itself a very strong one. But in the absence of all corroborative proof, it ought not, I think, to be considered decisive; and there are considerations which go in some degree to neutralize it. If the destruction of the travellers had occurred at so early a stage of their progress it is reasonable to suppose that a few at least of the numerous stock of various kinds that accompanied them would have found their way back to the haunts of civilization, especially as the distance they had to retrace their steps was so short. But I have never heard of any well authenticated instance of the kind. Mr. Hely, too, considers it utterly improbable that any of the party could have survived the first furious onset of the blacks. He must remember, however, the night attack made on the first expedition, and that the only man to whom it then proved fatal was Mr. Gilbert. The blacks might have been anxious, for various reasons, to prevent Mr. Hely or any others from going forward, and so have concocted the story of the murder as being the most likely thing, according to their notions, to put a stop to all search, and the correct number and description of Leichhardt's party they may have known from having actually seen it, or have learned from some one attached to that of

Mr. Hely. Still, I admit that their correct acquaintance with the number of Leichhardt's party is a startling circumstance, although I cannot agree with Mr. Hely in considering it conclusive of that party's fate. We all know that a similar rumour was propagated shortly after Leichhardt's departure on his first expedition, and from this, as well as from other circumstances, it would appear that the natives are prone to circulate these fatal reports. It is not easy, too, to reconcile their frank and even ostentatious confession of the murder of the whole party, with their manifold and strange equivocations with regard to the exact spot where it occurred. This reluctance to point out the fatal locality could not arise from fear, otherwise they would have been altogether silent about, or denied the murder itself.

It appears to be necessary in justice to the absent—perhaps, alas! to the dead—to take notice of one remark contained in Sir T. L. Mitchell's observations annexed to Mr. Hely's letter. Sir Thomas says that naval and military men have been the most successful explorers in the Australian world, thereby casting a reflection, although probably this was not intended, upon the abilities of Leichhardt, as one of these explorers. Now I maintain that the journey of the latter across the continent to Port Essington was the most important and the most successful of all the expeditions that have started from any of the Australian colonies. Indeed when it is considered that its leader was discouraged in his intention by the Government, as well as by those whose position and wealth rendered their concurrence of some importance, the overland journey to Port Essington must be considered to be one of the most adventurous on record.

In conclusion, I beg to assure Mr. Hely that I am not one of those who he complains, that they presume to criticise his labours without having had any experience of the hardships of the bush. I have experienced more of its annoyances, privations, and vexations than I have any wish to undergo again, and my acquaintance with it, and my experience of travelling in it compel me to say that Mr. Hely's expedition ought not to be considered by the public as at all satisfactory, especially if it is to be viewed as the final search made to clear up the fate of Leichhardt. In fact he himself acknowledged as much by the anxiety he manifested to procure rations and make a fresh start from the Balonne. I am very far from imputing any mismanagement to Mr. Hely, and his letter shows that he cannot be charged with any want of zeal, although I am sorry to perceive that before starting he utterly despaired of accomplishing the object of his mission, a conviction which was of evil augury, and calculated, like certain prophecies, to bring about its own accomplishment. Mr. Hely, moreover, ought not to take it in any way amiss if the experience gained from the errors of his expedition be held up as a guide and a warning to the next that may be organized to search for Leichhardt; for another there must be, otherwise a stigma will everlastingly remain on the humanity of the colony.

I have taken no notice of the account of the visit paid to Sir Thomas Mitchell's old depot camp on the Maranoa, and the deceptive fabrication, which, according to Mr. Hely, might have been concocted thereabout. It is strange that such an idea should occur to him, and stranger still that he should make it public.

OUR DEFENCES.

To the Editor of the *Sydney Morning Herald*. Sir,—"If your correspondent, J. M. V. X., had not informed you that he was joking while penning his strictures on my suggestions, I should certainly have held him to be the projector of our city batteries, or he would have really better to have done so before drawing upon himself the fire of an opponent. But as the case stands, I must consider him as a supporter, for if the explosion of a ton of gunpowder at the corner of the city, he must admit that it would also create some confusion on board a vessel passing in the immediate vicinity, and against which the explosive force would be directed point-blank. Should your correspondent really better to have done so, the subject, he may remove them by the simple expedient of boring a horizontal tube, an inch in diameter and four in depth, into a block of freestone, and then trying the effect of a market-garden of gunpowder and a handful of crumpled paper upon his stable door. Simple arithmetic will then give the result if the proportions are increased, so that upon this point my plan has an advantage over that suggested by your correspondent in the second paragraph of his letter, to which no rule of propriety would apply. I am not quite sure, in courtesy, have made some allusion to my having suggested a galvanic battery for firing the charge, but in a case of this kind, it would be well to have a second and independent means of igniting the charge in case the other should fail.

BOMBARDING.

Sydney, April 11.

THE NAUTICAL ALMANAC.

To the Editor of the *Sydney Morning Herald*. Sir,—"I have been through the review of your very valuable periodical journal to call the attention of the widely-circulated journal to the attention of the world at large, to the shameful overcharge made by booksellers for that most excellent and useful work, which may be said to be the companion of the sailor, the mariner, the British Nautical Almanac, published by order of the Lords Commissioners of the Admiralty. It was first published in 1761 at the low price of three shillings and sixpence, in order that it might come within the means of every seaman, but after the year 1800 the price was raised to five shillings. In the year 1834 it was enlarged nearly fourfold, but there was no increase in price. In the year 1851 the Lords Commissioners announced that the price was reduced, I believe to six shillings and sixpence, and not quite so, as the price on the copy, for which I gave five shillings, had been carefully raised. As a Nautical Ephemeris this work stands unrivalled in the world; and it must be very bold indeed who would venture a voyage home without one. Booksellers will know this, hence they never fail to demand an exorbitant price. An intelligent captain informed me that last year he was obliged to pay thirty shillings for a copy, and that he had been told by some of the Lords Commissioners of the Admiralty that they would not supply him with a copy unless he paid the full price. I am, Sir, yours, &c.

Parramatta, 26th March, 1864.

ARE TREATIES ANNULLED BY WAR?

To the Editor of the *Sydney Morning Herald*. Sir,—"I am glad to find that we have at last arrived at the end of our discussion on the subject of treaties. As you have finished your comments upon my evidence, and as you propose to produce none of your own, I shall be well satisfied, after a brief reply to your remarks, to remit the verdict to the judgment of your readers. Though I have four articles of yours on which to reply, the line of argument you have adopted will permit me to dismiss them very briefly. The method by which you endeavour to meet my authorities is by elaborate and somewhat over the top disquisitions to prove that the judges, the text writers, and the statesmen, did not really mean what they said, but something wholly different, and that the grounds of the decisions they have pronounced were not those on which they themselves relied, but other and different reasons, of which it seems they were themselves wholly unconscious. Now, whether they had—or, if they had been as ingenious as

yourself, might have had—other foundations for their opinion in each particular case, seems to me very irrelevant to the point in the discussion. In citing an authority, it is only material to know what really was the ground on which he proceeded in his judgment.

A strong illustration of this inconclusive kind of reasoning, out of which the whole of your argument is constructed, is to be found in the method by which you attempt to deal with the judgment which I have cited of the Supreme Court of the United States. You expend whole columns of letter-press to prove that the Court might have decided, and did decide, the point on other grounds than those on which they expressly framed their judgment. If the case were a new question, to be argued afresh, such reasonings, however little founded in the principles of law, would at all events not be wholly out of place, but in the discussion of an express authority they are obviously impertinent. As you seem to me to have obscured a very plain and simple question by a vast mass of irrelevant collateral discussion, collected to mask the nakedness of your main position, I must restate the matter in its natural simplicity. As you have raised some difficulties as to the interpretation of the phraseology of the judgment, I will give you an express or implied reply. Wheaton, the reporter of the judgment, and of Cancellor Kent, who may be considered the authorised interpreters of American jurisprudence. You will observe in Wheaton's account, that the Court, after noticing all the collateral points on which you insist, as though they were of force to disable the main position, thus proceeds:—

But, independent of these incontestable principles on which the security of all property rests, the Court was not inclined to admit the doctrine that treaties become by war between two parties *ipso facto* extinguished, if not given up by express or implied renunciation on the return of peace. There might be treaties of such a nature, as to their object and import, as they would necessarily put an end to them; but when treaties contemplated a permanent arrangement of territory and other national rights, or in their terms were meant to provide for the event of an intervening war, it would be against every principle of just interpretation to hold them terminated by war."

The words of Chancellor Kent, in giving an account of this judgment, are—

Where treaties contemplate a permanent arrangement of national rights, or by their terms are meant to provide for the event of an intervening war, it would be against every principle of just interpretation to hold them terminated by the event of war. They revive at peace, unless waived, or new and repugnant stipulations be made.

If any person, after reading these passages, doubts that the great American authorities on the law of nations hold that treaties contemplated a permanent arrangement of national rights, are not extinguished by war, I confess that their ideas and mine differ. I repeat that their words must be fundamentally different. I can only account for your curious error in giving a conjunctive instead of a disjunctive force to the word *and*, which in the original judgment, precedes the sentence touching a provision for an intervening war, by supposing that you have omitted to consult Wheaton and Kent, who have shown their true understanding of the passage by using the word *or* in its place. On a verbal distinction of this kind it is impossible to have a more conclusive authority than the commentary of the reporter himself. That the treaty of Kainardji did "contemplate a permanent arrangement of a national right," I suppose you will not dispute. When, therefore, you contend that it is extinguished, you maintain a proposition that has been judicially condemned by the greatest American lawyers, and perhaps the highest authorities on questions of international law.

Your attempt to dispose of Lord Ellenborough is not much more successful. When you elaborately argue that in the judgment to which I have referred in *de Maule and Selwyn* there were many points which have no application to the question at present in issue, you assert what I have never denied, and what has no bearing at all upon the discussion in hand. To the material part of the judgment you have attempted no reply. When I affirmed that Lord Ellenborough's judgment went to the root of the whole question, I referred to that part of it in which he overrules a dictum of Vattel, that incorporeal rights are the subject of capture in war. If incorporeal rights are not the subject of capture in war, there is no shadow of a foundation for the contention that treaties are in any way dissolved by war. Property which has been captured in war remains, in the absence of an express restitution, the property of the captor on the restoration of peace. All other property, whether corporeal or incorporeal, remains as it was before the war. The error into which you have fallen is exactly that which Lord Ellenborough condemned—that the breaking out of war permits either party to confiscate the rights which the other may have over its territory, its property, or its privileges. Such a right as the treaty of Kainardji gives to Russia over Turkey is an incorporeal right, vesting in contract, exactly of the same character as a public debt between two States. It is not a right which is created by a contract implied in the act of borrowing and lending. There is no better foundation in law or in reason for the repudiation of one than of the other. As neither of them is reduced into possession, they both lie in the original contract, which nothing that has occurred has any force or tendency to dissolve. And this is the distinction which Lord Ellenborough has pointed out between incorporeal rights, which can never come into the hands of the belligerent antagonist, and corporeal property, of which the property is altered by a change of possession. This distinction, as I have before observed, is conclusive as to the principle at issue, and shows incontestably that war has no effect to dissolve incorporeal rights given by treaty, such as the protectorate secured to Russia by the treaty of Kainardji.

The whole of the elaborate historical disquisition which you have raised on the treaty of Utrecht is, by your own admissions, wholly irrelevant to the discussion. You admit in your article of December 17, that your doctrine is "incompatible with the language used in the correspondence which took place in 1846 with respect to the Spanish marriages." "M. Guizot and Lord Palmerston asserted," you add, "and M. Guizot admitted, that the stipulations made at the peace of 1812 were still binding on France and Spain, notwithstanding the non-renewal of the treaty of 1763, either at Amiens, or at Paris, or at Vienna." It is true that you very confidently assert that Lord Palmerston is wholly ignorant of what you call the orthodox principles of diplomacy, and that you proceed to lecture M. Guizot for his want of acquaintance with the most notorious incidents in the history of France. You must excuse me if I decline to follow you into the interesting, but wholly irrelevant, inquiry, whether "the real point in dispute might have been maintained and controverted without the assertion that the treaty was in existence." It is enough for my purpose that these statesmen did not either maintain or controvert the point on any other ground

than that on which I have insisted, viz., that a treaty not renewed in three successive treaties of peace still survives in all its original force. I have always challenged you to meet my argument upon this point of the treaty of Utrecht. I admit that you have fairly joined issue. With a boldness that does credit to your courage, you do not hesitate to pronounce that Lord Palmerston is wrong in an elementary point of diplomacy, and M. Guizot, in a simple question of history. If I am in error, then I err at least in good company. And you must excuse me if I still prefer a heresy which is supported by such good authority to an orthodox opinion which rests upon such slender support as you have been enabled to collect.

I can hardly, I own, repress a smile at your assertion, that "the debates in Parliament on the treaty of Amiens are conclusive as to the extinction of the treaty of Utrecht." This seems to me very much like saying that a general rumour twenty years ago that a man was dead is a conclusive proof that he cannot now be alive, though we see him walk into the room. You have yourself, in your article of December 17, given the true answer to the unsupported Opposition dicta of Lord Grenville and Mr. Windham, when you say, "Even the high authority of the statesmen whom we have named would be insufficient to overrule the practice of nations and the theory of jurists." This letter has not reached such a length that I will not trespass on your indulgence by correcting all the numerous inaccuracies into which you have fallen in your account of that debate; especially as the transactions of 1816 have made any commentary on that discussion superfluous. By a singular inversion of reasoning you argue that the loose opinions of a factious minority in an opposition debate are of force to invalidate the solemn acts of three great European States put in force forty years afterwards. Whereas, the true argument is, that the formal recognition of the existence of the treaty of Utrecht by England, France, and Spain, in 1816, is a clear proof that Lord Grenville was mistaken in supposing that it was extinguished in 1802. The protest of England, in the name of the treaty of Utrecht, recognised by France and Spain, is exactly that "practice of nations" which, being founded on the "theory of jurists," cannot, as you very properly have observed, "be overruled by the opinion of statesmen, however eminent;" though even if it were not a question of the formal acts of nations, but of the opinions of rival authorities, I do not know that M. Guizot and Lord Palmerston would lose anything in such a contest with comparison even with Lord Grenville and Mr. Windham; especially when the opinions of the latter mentioned statesmen were expressly condemned at the time by Lord Auckland and Lord Eldon.

One point more and I have done. I have heard it urged, though you are too well informed on the question to have advanced the opinion, that there are points of distinction which do not make the revival of the treaty of Utrecht completely conclusive on the point. Persons not well informed on the matter labour, I know, under the mistaken idea that the treaty of Utrecht was a tripartite treaty between France, England, and Spain. Such is not the fact. The contracting Powers to the treaty of Utrecht were France and England alone. The renunciation of the King of Spain, it is true, is, as an independent document, embodied in the treaty; but as Lord Palmerston, in the correspondence, justly observed, in the renunciation subsists solely by virtue of the treaty on which it is engrained. And if it is suggested that there was anything peculiar in the character of the provisions of the treaty of Utrecht which should give them an exceptional permanence, I may be allowed to point out that, in the treaty of peace concluded at Paris on May 30, 1814, between France and Austria, it was thought necessary expressly to abolish the treaty of Utrecht of April 5, 1793, that of Tilsit of July 9, 1807, and the Convention of Paris, September 20, 1808. In referring to this transaction, you have by an oversight completely misrepresented the nature of this transaction. The expression in the original is, "Quoique les conventions et actes soient déjà annulés de fait par le présent traité." By translating this "though the treaties are *ipso facto* annulled," and entirely omitting the words *by the present treaty*, you have completely altered the whole sense of the passage. Read in its true meaning this is what it affirms, that though the provisions of the present treaty are incompatible with those of the above-mentioned Conventions, yet it is thought necessary expressly to abrogate them. A stronger proof, perhaps, it would be impossible to desire of the opinion entertained by the negotiators of 1814 of the effect of war between France and Prussia upon such a treaty as that of Tilsit.

Seeing, then, that it was essential (as in fact you admit) to your argument to show that the treaty of Utrecht was extinct, and seeing that you have totally failed to do so except by attributing want of experience to Lord Palmerston, and want of knowledge to M. Guizot, whom you describe as a "loose reasoner," and an abettor of "new-fangled doctrines," I may fairly pronounce that your position has wholly broken down. Upon the general principle of law that a contract cannot be dissolved by anything but the mutual consent of the parties, or by breach of that contract by one of them, it is clear that treaties cannot be extinguished except by the agreement of the contracting powers, or by a breach of one or more stipulations of the particular treaties by one of the parties to it. The presumption, therefore, is that if nothing appears on the face of the treaty to show that it was intended to expire by the commencement of hostilities, and if no breach has been made of its stipulations, its obligations are only suspended during war, and continue to subsist until the restoration of peace. This is the simple doctrine, perfectly consistent with reason and justice, which I had always understood to be that laid down by the text writers, and to have been adopted in the practice of nations. As the elaborate discussion which you have permitted me to raise on this question has only tended further to illustrate and enforce these positions, and as all the ingenuity and research which you have expended on them has wholly failed to impeach them, or even to cast any reasonable doubt on their soundness, I may conclude that if your ability and learning have not sufficed, it is only because your cause was desperate from the first. I cannot withhold my admiration from the energy and perseverance with which you have contended single-handed against a unanimous array of authorities, and the undeviating course of international practice.

As, therefore, it is clear that the treaty of Kainardji is no more extinguished by the war between Russia and Turkey than those of Utrecht and Tilsit were by the repeated hostilities between the contracting parties to those conventions, it behoves the Governments of Europe seriously to consider how they will deal with a question which the interests of peace demand should be settled upon some permanent and satisfactory basis. Your Vienna correspondent, I perceive, who has usually been remarkably accurate in his information, writes that one of the preliminary propositions laid down in the latest negotiation at Vienna, is the express establishment, upon their present footing, of all former treaties between the belligerent powers. If your correspondent is well informed on this point, there can be no doubt that the intention of such an article is to meet the wish of the Emperor in continuing the provisions of the treaty of Kainardji. Whatever may be our difference of opinion as to the effect of a non-renewal of that treaty, we are both, I imagine, agreed as to the immense mischief of continuing it by an express stipulation. I trust that you will exercise the just attention to which the consistent and mainly line you have pursued on the great question at issue between Russia and Europe entitles your journal, to protest against this miserable project of pitching up a hollow pacification on a basis which contains within itself the fruitful seeds of future quarrels. Should, however, the Government of this country be deaf to such an appeal, and blind to the duty which they owe to England and to Europe, I hope that the wisdom and firmness of the Turks will again, as on so many previous occasions, repair the faults committed by short sighted allies, and defeat the ambitious projects of their common enemy.

Tendering you, Sir, my hearty thanks for the fairness and indulgence which you have exhibited towards me in this controversy, thereby preventing a most striking contrast to the want of candour by which certain other journals seek to cover their want of information—I am, Sir, your obedient servant,

JUS GENTIUM.

January 8.

As our ingenious Correspondent has now once more repeated his opinion it may be convenient to allow the discussion to drift for the present. The great majority of jurists, and probably all statesmen, hold the views which we have shown to be supported by the authority of all the principal writers on international law. Our Correspondent, who considers that it is "a curious error to give a conjunctive rather than a disjunctive force to the word *and*," has consistently undertaken to prove that the exemption of *choses in action* from seizure during war involves the revival of treaties on the restoration of peace. If international covenants were among the incorporeal rights which the laws of war respect, they would be valid *ipso facto*, and no dispute could exist as to the revival of compacts which had never been suspended. Lord Ellenborough did not speak, and could not have spoken, of the treaty relations of belligerent powers, inasmuch as, by universal admission, no treaties are in force during war. The Court declared a Danish ordinance, issued during the war to have been inconsistent with the laws of war, inasmuch as it confiscated property which was exempt from seizure. But, according to our correspondent, international contracts are during war, non-existent, whereas private contracts are still valid. Probably no previous commentator has ever suggested that they were in any sense, or at any time, incorporeal property. It may, perhaps, be proper to state that, although the true doctrine is incompatible with the language used by more than one eminent statesman in 1816, it neither follows that "Lord Palmerston is ignorant of the orthodox principles of diplomacy," nor that "M. Guizot is a loose reasoner or an abettor of new-fangled doctrines." In the dispute on the Spanish marriages the French Minister had to defend, and the English Foreign Secretary to impugn, a transaction which both knew to be too infamous for public discussion. It was for this reason that both parties selected a fictitious issue, to which Lord Palmerston might have demurred when it was tendered by M. Guizot. On no other theory is it possible to account for the declaration, by a grave statesman, that England would not recognise a Spanish monarch descended from Philip of Orleans, or a French monarch descended from Philip of Spain. Queen Isabella was excluded by one category, and both the Comte de Paris and the Comte de Chambord by the other, from their respective inheritances; but Lord Palmerston was not so much discussing a treaty, as intimating, with diplomatic courtesy, the deep indignation of England and of Europe. Our correspondent was naturally and blamelessly misled by an inaccuracy of language which it might have been desirable to avoid. No other authority quoted during the controversy, with the exception of a paragraph from Mr. Wildman's Treatise, has been found inconsistent with the established principle, that all positive compacts between independent states are absolutely dissolved by war.

RUSSIAN USURPATION.

(To the Editor of the *Times*.)

Sir,—"Russia, by might or assumed right, has for some time exercised a protectorate over a portion of the Sultan's subjects; and, as a guarantee of the continuance of this protectorate, she has insisted upon certain countries which do not belong to her. Whether inquiry or impudence most abounds in this transaction it is hard to say, but it is any worse than what England (by your own account) has been guilty of in India, France in Algeria, Austria and Prussia in Poland, or the United States in the territory of the aborigines of America? Not a whit. Whence comes, then, the clamour against the *Czar* which is continually dinning in our ears? Is the *love of fair play* so sacred a principle, that it can be palmed upon self-deception than from any lie that can be palmed upon us by others, and concealment of the truth often leads to more error than positive falsehood. From active fraud in others we are able to defend ourselves, but from lurking fraud in our own bosoms there is no protection. Europe has eyes, but she sees not; she has ears, but she will not hear. The first Emperor Napoleon declared that in 50 years she would become either republican or Cossack. Republicanism has been tried, and has failed, and now the other alternative "looms in the distance." All turns upon the present, and upon what the present shall bring forth. If the Emperor of Russia be not beaten out of the long run, he will be the master of the field. His policy is not of to-day nor of yesterday, nor is it his alone or his brother's before him, but it is emphatically Russian, and Russian it will be till the world is smothered in blood, unless united Europe take the bull by the horns, and instead of being tossed, toss him. If Turkey were alone concerned, if she alone were materially interested in her mainly Russian, not an arm would be lifted in her behalf, not a word would be said about "fair play" or "oppression," for not a single power could come into court with clean hands. But common danger breeds common feeling, and Heaven grant that its product may be as common sense; for, if common action in the right direction do not follow, we be to Europe!

As well as I can comprehend the heterogeneous mass of facts and fictions, assertions and contradictions, the journals of Europe seem to me that the main, if not only, hope of preserving the general peace rests on the chance of coaxing the *Czar* to become a party to a joint protectorate, to be extended over all the Sultan's subjects, in place of that of a single-handed one, which he has heretofore exercised in his own solitary self-sufficiency. Now, this protectorate, which implies either weakness or wickedness in the sovereign against whom it may at will be employed, and which, therefore cannot be of his own seeking, is consistent or inconsistent with the law of nations: it is right or it is wrong. If right, why have other powers meddled with it, and with its legitimate consequences, the occupation of the Principality, the slaughter of thousands, and the expenditure of millions? But, if wrong, under what pretext do these "dark Powers wish to share it? The answer is "as plain as way to parish church." They dare not; and this is the only reason under the sun why they cannot strip Russia of it, and they shyly hope to weaken its effects by becoming participants in the disreputable and cunningly devised scheme. I doubt their success. Truth and plain dealing, in the pursuit of an honourable object, will carry a man or a nation through a world of trouble, but no sort of dealing will sanctify the subversion by division of the Sultan's authority. Neither Russia, nor England, nor France have any more right to interfere with the Christian population of Turkey than the United States have to come between the Crown of Spain and a host of Yankee Cuban proprietors who are clamorous for protection or rather annexation, in which protection is always sure to end. Is not the Sultan an independent sovereign as Queen Victoria or the Emperor Napoleon I. and is he not as free to defy foreign interference as President Pierce? And what would the Queen of England, the Emperor of France, or the President of the United States say to any earthly potentate who dared to put himself between the ruler and the ruled? Their answers, if any were forthcoming, would be, I guess, not sweet but short. Believe me, Turkey is not yet weak enough to be put into leadingstrings.

If that portion of her population which is not inclined to be oppressed, of which there has lately been no proof, let it continue to suffer till suffering bring forth strength, rather than call in third parties, who will infallibly do mischief by finding overween and subjecting both in the wrong. It will call for "Two Powers," who are the only working parties,—"for Austria and Prussia feel that in case of a European war they would be between the Devil and the deep water, and therefore will have none of it,—it will cost England and France much less to banish all foreign machinations from Turkish territory at once, and to push back the *Czar* into his proper place, than it will to construct, year after year, for many years, the machinery of a protectorate on which some men's dreams are running; such a protectorate would be worthless without a continuous unanimity between the protector, and with which no one could count, and an ever ready assistance which could not, and a mischief-making ally, which would extract from numbers a moral force which, unsupported, he could never look to have. War is a concentration of power, and they are worthy of all praise who, regardless of labelling, are labour in the interests of peace. But, much as I fear the one and love the other, were I so unfortunate as to occupy Lord Aberdeen's place, rather than share in any unrighteous protectorate over Turkish subjects, or allow Russia to be their sole protector, I would let loose every dog of war that could be unuzzled. To do this, if the *Czar* will have his own way, and to rectify the balance of power, if indeed, that famous piece of mischief-making, which is an ideal existence, such an opportunity as the present may not occur again for many a day. The universal cry, which I have within a few weeks heard resounding through the streets of London, is, that Russia would find fault with the old world like a Colossus. Public opinion, from those omnipotent tribunals there is no appeal from these latter days, has condemned her. This, then, is the moment for striking a mortal blow, which will prevent far heavier blows hereafter. A common hatred is a stronger bond of alliance than a common love. The one is a natural growth, the other is by graft. Millions, while hailing us as their saviour, would by your moral aid alone effect their own ruin. Every honest man's head and heart are against the *Czar* Nicholas, and in the hour of need every hand, will be raised against him. He must yield, not in word only, but in deed. Matters cannot stand, such as he demanded, must in his turn be given him, or else how will the account stand between Turkey and her sworn allies? He has mocked at treaties, and it is his turn to be mocked; to bind him with parchment alone, whenever it suited his views, he would find that whoever less sheepskin in the faces of those whom he had scorned. Like the repudiators of Spain and America, who are a cause of reproach to their countrymen, he, too, will be above or below them; like them, he loves another man's goods better than his own; like them, too, he should be scourged, all gentler means failing, till he comply with the requisitions of honour and honesty, and learn to be content with his own.

Most respectfully, your obedient servant,

A. "STATES" MAN.

Paris, December 22.

THE LOVE OF MUSIC.—The love of music which characterizes the negro, the readiness with which he acquires skill in the art, his power of memorizing and of improvising music, is most strikingly constant. Mr. Cartwright, arguing that the negro does not understand harmony; his songs are more sounds, without sense or meaning. My observations are of but little value upon such a point, but they are very strongly to the contrary opinion. The negro seems to me particularly a natural harmonist. The common plantation negro, or deck hand of the steam-boats, whose minds are so much occupied by the cares of his daily life, will often, in rolling cotton, or in carrying a load on board the boat, fall to singing, each taking a different part and carrying it out with great spirit and independence, and in perfect harmony, as I never heard singers, who had not been much educated, do the North. A gentleman in Savannah told me that in the morning after the performance of an opera in that city, he had heard more than one negro, who could in no way have heard it before, whistling the most difficult airs with perfect accuracy. I have heard ladies sing, who, whenever it suited his views, he would find that whoever less sheepskin in the faces of those whom he had scorned. Like the repudiators of Spain and America, who are a cause of reproach to their countrymen, he, too, will be above or below them; like them, he loves another man's goods better than his own; like them, too, he should be scourged, all gentler means failing, till he comply with the requisitions of honour and honesty, and learn to be content with his own.

THE LATE LORD GEORGE BENTINCK.—A medal, commemorative of this distinguished member of the Protectorate party, is now being distributed to the subscribers to the Bentinck Testimonial. The execution of this memorial was confided by the committee to Mr. Wron, who has produced a work well worthy of his reputation, and the same artist has succeeded in conveying a striking likeness of the deceased nobleman. The reverse bears the following inscription:—"Brave, earnest, generous, unselfish, true,—he won the confidence and riveted the attachment of a great party, by the dispassionate of the same Providence, and his self-devotion had animated with zeal. The philosopher observer in after times will remark with surprise that the mournful decease of their leader was so soon followed by the extinction of the 'great party' whose pious regard dedicated this medal to his memory; and, while he acknowledged those awful decrees of Providence which snatch away the great of the earth without a moment's warning, will rejoice that, by the dispensation of the same Providence, a tribute to Lord George Bentinck's many merits should have been posthumously in every sense of the word, both as regarded the party and their chief.

ADVERTISING FOR A BEAUTIFUL GIRL.—Campbell, poet, was one day so smitten by a beautiful child, in the *St. James's* park, that he put an advertisement in the newspaper to discover its residence, the result of which was very ludicrous, for some wags of the Hook and Co. clique, aware of the circumstances, answered the appeal, and not knowing what address to give, took the last name in the Directory, Z. The advertisement, which Thacker Campbell hurried the next morning in full dress, and was shown up to the drawing-room, where he found a middle-aged lady waiting to learn what he had to say. He told her the story, and she, the indignant Miss Z., was not long in explaining, and her lovely offspring to gratify the longings of the poet, rushed to the bell, and rang violently for the servant to show the insolent stranger to the door.—*Autobiography of William Wordsworth*.

SINGULAR INHERITANCE.—A customary attached to the administration of one of the Finnish provinces has just come into possession of a considerable fortune from a very singular circumstance. His wife, who belonged to a rather numerous English family, had on her marriage embraced the Catholic religion. A relation of this lady, who had made a similar adoption, had just died, and doubtless supposing that a certain number of the members of her family had followed her example, divided her fortune by will into two equal parts, one to go to the Protestant and the other to go to the Catholic members of it. As the wife of the functionary is the only Catholic among them, she will alone inherit one of the portions, amounting to about 5,000,000 francs.—*Galignani's Messenger*.

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24:00	10	80	5	2	1

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